

Section 7-1 Introduction

The purpose of this Chapter is to describe those uses, which may be approved administratively by Planning and Zoning staff, known as "performance based standards" (PBS) uses. Performance based standards uses are those which can be made compatible within a given zoning district as long as pre-established standards are met which will control for any potential negative effects of the use. PBS uses provide landowners with more flexibility in using their property yet still affords protection to neighboring landowners.

Section 7-2 How to use this chapter

The uses based on performance standards are listed below. At the beginning of each section is a statement showing which zoning districts allow the performance based standards uses. The standards that must be met to permit the use are then listed. THE "PBS" STANDARDS ARE IN ADDITION TO THE REGULAR DEVELOPMENT STANDARDS THAT ALL DEVELOPMENT IS OBLIGATED TO COMPLY WITH UNDER THE TERMS OF THIS ORDINANCE, INCLUDING ZONING SITE PLAN REVIEW WHERE APPLICABLE.

Section 7-3 USES PERMITTED BASED ON STANDARDS (PBS)

1. Accessory Building, Accessory Dwelling Unit and Swimming Pools Accessory to Single Family Residential

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Limited Commercial, General Commercial and Limited Industrial districts

- a. Residential accessory dwelling units in the AO, CR, LDR, MDR and HDR districts shall not exceed fifty (50) percent of the square footage of the base floor area or 1,100 square feet, whichever is less. Accessory dwelling units located as part of a commercial or industrial building shall not exceed 800 square feet.
- b. In residential districts, the accessory dwelling unit shall be sited to the rear of the primary structure or to the side as a secondary option. If sited as part of a commercial or industrial building, the accessory dwelling unit shall be incorporated into the overall building design.
- c. Accessory dwelling units shall meet the principal building setbacks listed in Chapter 5 for the zoning district.
- d. The accessory dwelling unit height shall not exceed the height of the principal structure.
- e. Manufactured homes may not be used as an accessory dwelling unit.
- f. Adequate off-street parking must be provided for any vehicles owned by occupants of the accessory unit. All parking shall be screened from public rights-of-way either by buffer yard or by the mass created by the house/accessory dwelling unit.
- g. Only one accessory dwelling unit per parcel is permitted.

Accessory Building

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial, Limited Industrial, General Industrial districts

Accessory building on lots less than 2 acres

- a. The total square footage for all accessory building footprints on a lot shall not exceed 3 percent of the total lot area. Exception – all lots shall be permitted at least 600 square feet of accessory buildings.
- b. Accessory buildings shall not be located closer to an adjacent road than the principal structure. Exception – Double frontage lots may place an accessory building to the rear of the principal structure so long as the principal building setback is met along the property lines adjacent to the street.
- c. Accessory buildings up to 15 feet in height shall meet the front and side setback requirements of the principal structure. The rear setback shall be no less than five (5) feet. Buildings greater than 15 feet in height shall meet the principal building setbacks listed in Chapter 5.
- d. Accessory buildings shall be subject to all other dimensional, impermeable and structural coverage requirements listed in Chapter 5.

Accessory buildings on lots 2 acres or greater

- a. The total square footage for all accessory building footprints on a lot shall not exceed 2 percent of the total area. Exception – all lots shall be permitted at least 2,600 square feet of accessory buildings.
- b. Accessory buildings shall not be located closer to an adjacent road than the principal structure or shall be located at least 100 feet from a road, whichever is less. Exception – double frontage lots may place an accessory building to the rear of the principal structure so long as the principal building setback is met along the property lines adjacent to the street.
- c. Accessory buildings up to 15 feet in height shall meet the front and side setback requirements of the principal structure. The rear setbacks shall be no less than five (5) feet. Accessory structures greater than fifteen (15) feet in height shall meet the setback requirements of the principal structure.
- d. Accessory buildings shall be subject to all other dimensional, impermeable and structural coverage requirements listed in Chapter 5.

Swimming Pool, Accessory to Single Family Residential

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use

- a. The swimming pool must be located inside of the primary setbacks.

- b. Concrete or wood decking surrounding the pool may encroach into the primary setbacks, but shall in no case be located closer than ten (10) feet from the property line.

2-A. Agriculture Including Livestock

Low Density Residential, Medium Density Residential districts

- a. Minimum Lot Size:
 - o Low Density Residential - five acres
 - o Medium Density Residential - five acres
- b. Any building housing livestock shall be at least 150 feet from both the nearest building with human inhabitants and the nearest property line.

2-B. Agriculture-Female Chickens (limited number)-Less than 5 acres

Low Density Residential, Medium Density Residential districts

All lots that are utilized as single family detached residential will be permitted up to the following number of female chickens:

Number of Female Chickens Permitted:

<1 acre-5
1 acre-10
2-5 acres-15

- a. Female chickens are for egg production only;
- b. The chicken house and run must be fully enclosed and the hens kept within it at all times. All chicken houses must be properly maintained in a safe, clean and sanitary condition that poses no health threat to the chickens or citizens and does not create a public nuisance. Runs must be well drained so that there will be no accumulation of moisture.
- c. The chicken house must be used for female chickens only and must be well ventilated. Houses shall be located a minimum of 25 feet from any property line. Run areas must be located a minimum of 25 feet from any property line and 50 feet from any stream.
- d. All feed and other items associated with the keeping of chickens shall be stored properly and protected from rodents;
- e. Waste products generated from the raising of chickens shall be disposed of properly. If on-site composting is performed, compost storage areas shall be located a minimum of 25' from any property line and 50' from any stream. (**See below for additional composting information.) If on-site composting is not used, all chicken related waste must be double bagged before being placed in on-site roll out trash bins.
- f. All structures, fencing, and hens must be located in the rear yard of the dwelling. The range area provided to any chickens must not include the crawl space of any residential structures.
- g. Male chickens (roosters) are prohibited.

**Compost is organic material that can be used as a soil amendment or as a medium to grow plants. It is created by: combining organic wastes (e.g., yard trimmings, food wastes, manures) in proper ratios into piles, rows, or vessels; adding bulking agents (e.g., wood chips) as necessary to accelerate the breakdown of organic materials; and allowing the finished material to fully stabilize and mature through a curing process. See the United States Environmental Protection Agency site for proper composting techniques <http://www.epa.gov/epawaste/conservation/rrr/composting/index.htm>.

3. Auction House

Agricultural/Open, Countryside Residential districts

- a. An auction house, which includes any percentage livestock sales, may not be sited within 500' of a residential use, measurement to begin at the outermost facility housing animals. Auction houses not featuring livestock sales will meet the standard setbacks of the zone.
- b. Applicable in the *Countryside Residential zone only*, an auction house must front on either arterials or collector roads (major or minor, in each case).
- c. Signs shall be permitted in accordance with Chapter Eleven, Signage.
- d. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

4. Automobile Rental

Office/Limited Commercial district

- a. The outdoor display area may not exceed 60,000 square feet.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

5. Automobile or Motorcycle Sales, New & Used

Office/Limited Commercial district

- a. The outdoor display area may not exceed 60,000 square feet.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

6. Bank, Financial Institution, Automated Teller Machine (ATM), Freestanding Automated Teller Machine (ATM) as Accessory

Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. The use must front on either arterial or collector roads (major or minor, in each case).
- b. ATMs, Freestanding ATMs as accessory use permitted in LDR, MDR, HDR, OI, LC, and GC districts.
 - o The facility's lighting shall be shielded to prevent light and glare spillover on to adjacent residential properties.
 - o Shall be located so that internal circulation for primary use is not disturbed.
 - o Materials shall be compatible with design and building materials of the primary structure(s) on the site.

7. Barn, Greenhouse, As Primary Structure

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential districts

- a. Permitted only when agriculture, as defined in Chapter 2, Rules of Construction and Definitions, is the primary use of the parcel.
- b. May not be used as a dwelling unit.
- c. Must meet setbacks of zoning district for primary structure.

8. Bed and Breakfast

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Limited Commercial districts

- a. Any area to be used as a party, reception, garden, parking or other guest amenity area shall be located a minimum of 100 feet from the property line of any residentially zoned or used property.
- b. Must provide at a minimum one parking space per guest bedroom and one parking space for each two employees.
- c. The facility must provide a level three buffer yard as described in Chapter Nine, Landscaping & Buffer Requirements on all sides of the parking lot which abut public rights-of-way.

9. Catering Service

Office/Institutional district

- a. The maximum total square footage shall not exceed 5,000 square feet for all enclosed structures.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,

- within the setbacks required of the building's underlying zone, and,
- made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

10. Cemetery

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use districts

- a. The cemetery shall be sited so as to be within the primary setbacks required for buildings in the district.
- b. A boundary plat depicting the property to be used for interment shall be recorded with the office of the Register of Deeds and a copy provided to the Planning and Development Department.
- c. A Level Two buffer shall be provided when the adjacent property is residentially zoned or used. See Chapter 9, Landscaping and Buffering.

11. Civic Organization Facility

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use districts

- a. All outside storage areas including dumpsters must be:
 - sited to the rear of the building,
 - within the setbacks required of the building's underlying zone, and,
 - made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. Parking areas shall be located a minimum of 100 feet from the property line of any property that is residentially used or zoned.

12. Communications Tower, 911 Communications Tower

Agricultural/Open, Office/Limited Commercial, General Commercial, Limited Industrial, General Industrial districts

- a. The tower must be designed to land upon its own property in the event of a fall and shall be certified by a North Carolina registered professional engineer.
- b. Certification is waived if the tower is located on the property such that the radial distance to the nearest structure or property line is equal to the height of the tower plus 50 feet.
- c. The tower shall be enclosed by a security fence not less than 6 feet in height and no taller than 8 feet.
- d. The tower base and any accessory buildings must be screened from public view by a buffer that is a minimum of 4 feet wide immediately adjacent to the perimeter of the compound. Plantings shall effectively screen the compound from adjacent residential properties.

13. Community Garden, Accessory Use

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. The primary use parking area shall serve as the parking area for the Community Garden.
- b. Emergency Service access to the Community Garden site shall be maintained if on street parking is utilized.

14. Convenience Store with Petroleum Sales

Agricultural/Open, Countryside Residential, Low Density Residential districts

- a. The store must be located within 300 feet of the centerline of an intersection and front on an arterial or collector road.
- b. The store's lighting shall be shielded to prevent light and glare spillover from adjacent residential properties.
- c. The maximum square footage shall not exceed 2,000 square feet for all enclosed structures.
- d. The total number of gasoline pumps shall not exceed two multi-product dispensers. In the event older pumping equipment is used, the total number shall not exceed a number capable of fueling four vehicles simultaneously.
- e. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

15. Convenience Store without Petroleum Sales

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use districts

- a. The store must be located within 300 feet of an intersection and front on an arterial or collector road.
- b. The store's lighting shall be shielded to prevent light and glare spillover on to adjacent residential properties.
- c. The maximum square footage shall not exceed 2,000 square feet.
- d. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

16. Country Club with Golf Course

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. Clubhouses shall meet the primary setbacks for the zoning district.
- b. There shall be a 100 foot minimum setback between any accessory buildings, swimming pool, lighted tennis court or any amenity area and adjacent residentially zoned or used property.
- c. Parking areas shall be located a minimum of 100 feet from any residentially zoned or used property.
- d. Lighting for amenity areas shall be designed such that it does not spill over onto adjacent properties.
- e. Outdoor swimming pools shall be protected by a fence, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. See Appendix G, North Carolina Building Code, Swimming Pools, Spas and Hot Tubs for requirements.

17. Contractor or Trade Shops

Agricultural/Open, Office/Limited Commercial districts

- a. The maximum square footage shall not exceed 10,000 square feet for all enclosed structures in the Office/Limited Commercial district and 5,000 square feet in the Agricultural/Open district.
- b. The maximum outdoor storage area may not exceed 10,000 square feet;
- c. All outside storage areas including dumpster areas must be:
 - o sited behind the rear wall of the building;
 - o within the required setbacks of the zoning district that the use is located in, and outside any required buffer yard;
 - o enclosed with a fence that is at least 6 feet high;
 - o screened from adjacent properties, and from public and private rights-of-way with a Level Two buffer yard;
- d. No storage of large construction vehicles is permitted (large construction vehicles means any vehicle with a gross weight in excess of 10,000 lbs.)
- e. Outside storage areas shall be located at least 50 feet from adjacent property lines.
- f. In the Agricultural/Open district only, uses shall only be permitted on major thoroughfares. In addition, such use may not be located in any watershed protection area.
- g. Uses shall meet all applicable landscaping standards in Chapter 9. When occupying an existing structure, landscaping shall be upgraded to meet requirements of Chapter 9, Landscaping and Buffering.
- h. The minimum property size shall be (3) three acres in the AO zone.

18. Day Camp, Summer Camp, Civic Group Camp Facility

Office/Limited Commercial, General Commercial districts

- a. A complete description of the facility including but not limited to:

- Hours & days of operation
 - Total number of employees, both full-time and part-time
 - Projected number of users per weekday and weekend days
 - Types of accessory uses, if any, envisioned on the site
 - Any and all other relevant information that will help describe the facility
- b. Play areas, sports fields and parking areas must be a minimum of five hundred feet (500) from any adjacent residentially zoned or used property line.

19. Duplex, Commercial Use on Individual Lots

Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. The lot size shall be at least 150% of the minimum lot area for the zoning district.
- b. Setbacks must meet the principal structure setbacks for zoning district.
- c. Only one duplex shall be permitted per parcel.

20. Ethanol Fuel Production, Residential District, Private Use Only

Agriculture/Open Space, Countryside Residential, Low Density Residential, Medium Density Residential districts

- a. The minimum lot size to have such an operation is three (3) acres.
- b. The still and/or storage containers shall be placed:
 - A minimum of sixty (60) feet from any dwelling unit
 - A minimum of one hundred (100) feet from any street right-of-way or property line.
- c. General:
 - The use of ethanol is restricted to use as fuel by the owner or lessee of the property upon which the ethanol is produced.
 - The sale of ethanol fuel is prohibited.
 - The ethanol fuel must be dispensed from either a gravity flow or vacuum flow pump.
 - Only non-cellulose materials (fruits, grains, and vegetables) can be used to produce ethanol.
- d. Fuel production operations must be located inside a secure structure.
- e. Storage:
 - The maximum storage container size is fifty five (55) gallons.
 - The aggregate volume of ethanol fuel stored at any time on the property shall not exceed fifty five (55) gallons.
 - Acceptable storage container materials include aluminum, steel, fluorinated polyethylene, fluorinated polypropylene, Teflon and other similar durable, noncorrosive materials. Copper, brass, lead, tin, and zinc are prohibited.
 - Fuel storage containers must be located inside a secure building located on the property for which the permit is issued and shall be clearly labeled.
- f. Applicant must present approved state and federal permits for the production of ethanol fuel prior to zoning permitting.

- g. Waste by-product must be stored in 55-gallon sealed barrels. The aggregate volume of waste by-product to be stored at any time on the property is one hundred ten (110) gallons (equivalent to two (2) 55-gallon sealed barrels).
- h. Locks for storage and fuel production areas and structures shall have at least five (5) tumblers and a casehardened shackle of at least 3/8 inch diameter.
- i. Compliance with all applicable building codes required.

21. Ethanol Fuel Production Plant, Small (Not more than 10,000 proof gallons per calendar year)

General Industrial district

- a. Applicant must present approved state and federal permits for the production of ethanol fuel prior to zoning permitting.
- b. Compliance with all applicable building codes required.

22. Ethanol Fuel Production Plant, Medium (More than 10,000 but less than 500,000 proof gallons per calendar year)

General Industrial district

- a. Site shall be a minimum of five (5) acres
- b. Applicant must present approved state and federal permits for the production of ethanol fuel prior to zoning permitting.
- c. Compliance with all applicable building codes required.

23. Gas Station

Agricultural/Open, Countryside Residential, Low Density Residential districts

- a. The store must be located within 300 feet of the centerline of an intersection and front on an arterial or collector road.
- b. The store's lighting shall be shielded to prevent light and glare spillover from adjacent residential properties.
- c. The maximum square footage shall not exceed 2,000 square feet for all enclosed structures.
- d. The total number of gasoline pumps shall not exceed two multi-product dispensers. In the event older pumping equipment is used, the total number shall not exceed a number capable of fueling four vehicles simultaneously.
- e. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

24. Golf Course, Public or Private

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. Clubhouses shall meet the primary setbacks for the zoning district.
- b. There shall be a 100 foot minimum setback between any accessory buildings or parking areas and adjacent residentially zoned or used property.
- c. Lighting for amenity areas shall be designed such that it does not spill over onto adjacent properties.

25. Government Buildings, Storage Only

Office/Limited Commercial, General Commercial, Light Industrial, General Industrial districts

- a. Parking areas shall be located a minimum of 50 feet from any residentially zoned or used property.
- b. Lighting for outdoor storage areas shall be designed such that it does not spill over onto adjacent properties.

26. Government Buildings, Storage Only, with Outdoor Storage Area

General Commercial, Light Industrial, General Industrial districts

- a. Outside storage areas shall be located a minimum of 50 feet from any residentially zoned or used property.
- b. Parking areas shall be located a minimum of 50 feet from any residentially zoned or used property.
- c. Lighting for outdoor storage areas shall be designed such that it does not spill over onto adjacent properties.

27. Home Occupation, General

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/ Limited Commercial districts

The following lists those occupations, which may be conducted at home in the AO, CR, LDR, MDR, HDR and LC districts or in townhomes in the MDR, HDR or LC districts. The purpose of the list is to function both as a guide and also to illustrate the spirit and intent of what is a legitimate home occupation. Essentially, the home occupation is conceived of as being reasonably permitted in a residential setting because it does not compromise the residential character of the area. A reasonable home occupation would not generate conspicuous traffic, would not visually call unusual attention to the home nor would it ever generate nonresidential level noise.

Accounting, Bookkeeping	Real Estate Sales	Dressmaking, Alteration Services, Tailoring
Appraisal	Insurance Sales	Engineering
Architecture	Daycare with Eight Children or Less (See NCGS §110-86)	Financial Planning and Investment Services
Computer Repair/Programming	Drafting Services	Fine Arts Studio (creation of individual works only, no mass production)
Legal Services		

Interior Decoration (no studio permitted)	Musical Instruction, Voice or Instrument	Tutoring
Mail Order Business or On-line Order Business, order taking only, no stock in trade	Pet Grooming (Enclosed)	One Chair Beauty or Barber Shop
	Photo Laboratory (no studio work)	Office Work
	Planning	Similar, Low Impact Endeavor

- The use must be conducted entirely within the interior of the residence, must be clearly incidental and secondary to residential occupancy, and may not change the residential character of the dwelling.
- The use of the dwelling for a Home Occupation may not exceed up to 25% of one floor of the principal building.
- Residents of the dwelling may be engaged in the home occupation with no more than one nonresident assistant employed.
- No activity can take place as a home occupation which involves any outdoor storage.
- All parking needs brought about by the operation of the home occupation must be met through an off street parking arrangement, including customer parking.
- Home Occupations which allow clients or customers to visit the business may be subject to Accessibility Standards. Applicants should contact Building Standards for requirements prior to applying for the Home Occupation Permit.

28. Home Occupation, Rural

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential districts

The following lists those occupations, which may be conducted as a rural home occupation (RHO). The Rural Home Occupation differs from the home occupation in that it is not required to be conducted within the residence proper, but may be conducted in another building accessory to the residence. Slightly more intense uses may occur within the RHO since it is sited within less densely settled areas.

Accounting, Bookkeeping	Electrical, Plumbing, & Mechanical	Daycare with Eight Children or Less (See NCGS §110-86)
Appraisal	Computer	Drafting Services
Architecture	Repair/Programming	Dressmaking, Alteration Services, Tailoring
Auto Repair Work - Permitted as PBS in Agriculture/Open only.	Landscape Contractor	Engineering
Building Contractor's Storage Yard Including	Legal Services	
	Real Estate Sales	
	Insurance Sales	

Financial Planning and Investment Services	Musical Instruction, Voice or Instrument	One Chair Beauty or Barber Shop
Fine Arts Studio	Photo Laboratory or Studio	Office Work
Interior Decoration	Planning	Similar, Low Impact Endeavor
Mail Order Business or On-line Order Business	Tutoring	

- a. The Rural Home Occupation may be carried out in no more than one building separate from the primary residence.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

NOTE: No outside storage shall be permitted in the MDR zoning district.

- c. All storage must be screened either by fencing or vegetative hedge from any abutting residential use or public rights of way.
- d. The accessory building in which the RHO is conducted may not exceed the square footage of the footprint of the residence but in no event exceed 2,000 square feet.
- e. Nonresident employees may work in the RHO as follows:
 - o Up to 1,000 square feet of floor space - One nonresident employee
 - o 1,000 and over square feet of floor space - Two nonresident employees
- f. The rural home occupation will not create any smoke, odors, dust, or noise at a level discernable at any of its lot lines.
- g. In the Agricultural/Open, Countryside Residential, and Low Density Residential zoning districts, lots must meet the standard minimum size requirements for minor subdivisions in those districts. In the Medium Density Residential zoning district, the minimum lot size shall be two (2) acres.
- h. Rural Home Occupations which allow clients or customers to visit the business may be subject to Accessibility Standards. Applicants should contact the Building Standards Department for requirements prior to applying for the Home Occupation Permit.

29. Ice Production, Dispensing, Accessory to Gas Station

Agriculture/Open, Countryside Residential, Low Density Residential, General Commercial, Light Industrial, General Industrial districts

- a. Manufacturing/dispensing structure shall be located in the primary setbacks for the district.

- b. Structure shall be located on the site so as to not interfere with site circulation or gas pump stacking lanes.
- c. Where installation is part of new construction, structure shall be compatible with color scheme and building materials so as to blend in with other structures, canopies, etc.

30. Ice Production, Dispensing, Accessory to Convenience Store

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Limited Commercial, General Commercial, Light Industrial, General Industrial districts

- a. Manufacturing/dispensing structure shall be located in the primary setbacks for the district.
- b. Structure shall be located on the site so as to not interfere with site circulation or gas pump stacking lanes.
- c. Where installation is part of new construction, structure shall be compatible with color scheme and building materials so as to blend in with other structures, canopies, etc.

31. Kennel, Private

Agricultural/Open, Countryside Residential districts

- a. The minimum distance between the outer edge of any buildings, animal enclosures or fenced areas must be at least 300 feet from the parcel boundary of any residentially zoned or used properties. This includes adjacent parcels and parcels located across street right-of-ways.
- b. The number of animals boarded outside or partially outside of the facility shall not exceed 25 animals. Animals boarded entirely inside shall not be counted as part of this limitation.
- c. The primary use, including all outside boarding areas, shall meet the Level two buffer standards of Chapter 9 of this ordinance.
- d. This use shall be required to be separated from educational institutions and places of worship by a distance of 1,000 feet. This distance shall be measured from the exterior property lines of the facility to the nearest property line of the educational institution or place of worship.
- e. All outdoor lights must be shielded to direct light and glare onto the facility's premises and may be of sufficient intensity to ensure security. Lighting and glare must be deflected, shaded and focused away from any adjoining residential or institutional property.
- f. All storage areas including dumpsters must be
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone; and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- g. Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height.

- h. All private kennels are directed to the standards set forth in the Cabarrus County Animal Control Ordinance of 1992, incorporated herein by reference.

32. Landfill, Demolition, Less than one acre

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Limited Commercial, General Commercial, Limited Industrial, General Industrial districts

A twelve month permit, which is renewable, must be obtained from the Zoning Administrator. The demolition landfill is presumed to be accessory to an ongoing construction project and as such, is permitted only for the life of the construction project.

The permit requires the submission of the following information at the time it is applied for:

- a. A survey showing the exact location of the proposed demolition landfill within the entire project must be submitted.
- b. A statement detailing all contents of the landfill
- c. A statement detailing the plans for reclaiming the landfill at the end of its use.
- d. A statement describing plans for future building, if any, on the landfill site.
- e. A boundary survey showing the location of the demolition landfill must be recorded with the Cabarrus County Register of Deeds.
- f. A description of the controls to be employed to assure the refuse stays on the site and that dust, debris, material scraps, etc. do not travel to or impact adjacent properties or right-of-ways in any way.

33. Multifamily Residential

High Density Residential/Mixed Use, Office/Limited Commercial districts

Multifamily residential developments shall follow the density and dimensional standards listed below:

Density (maximum units/acre)	3	Accessory (mimimum feet)	
Area (minimum acres)	5	Front yard	30
Open space (minimum)	50%	Side yard (single)	10
Governmental water and sewer	required	Side yard (total)	20
Principal (minimum feet)		Rear yard	10
Front yard	30	Height (maximum)	
Side yard (single)	10	Principal (maximum feet)	40
Side yard (total)	20	Accessory (maximum feet)	20
Rear yard	20		
Lot Coverage (maximum)			
Impermeable surface	45%		
Structural coverage	35%		

When located adjacent to property that is developed as single family residential or property that is zoned residentially, a Level Two buffer shall be provided. See Chapter 9, Landscaping and Buffer Requirements.

34. Moving Van, Truck or Trailer Rental

Office/Limited Commercial, General Commercial, Limited Industrial districts

- a. The outdoor display area may not exceed 60,000 square feet.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- c. Parking areas for rentals shall be located a minimum of 50 feet from any residentially zoned or used property.
- d. Lighting for outdoor storage areas shall be designed such that it does not spill over onto adjacent properties.

35. Nursery, Daycare Center

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. A copy of the N.C. State license issued to the facility is required (See NCGS 110, Child Welfare).
- b. Evidence that the N.C. Department of Transportation has issued driveway permits for the facility. Applicant should submit copies with site plan review application.
- c. Adequate access to and from the site to accommodate traffic generated, including any required roadway improvements, shall be shown on the site plan.
- d. Drop off and pick up areas shall be interior to the site, out of the public right-of-way, and designed so as not to interfere with internal circulation and ingress/egress to the site.
- e. The facility must have access to a State maintained road.

36. Office, Professional 5,000 Square Feet or Less

High Density Residential/Mixed Use district

- a. Maximum square footage shall not exceed 5,000 square feet for all enclosed structures
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening
- c. Parking areas shall be located a minimum of 50 feet from any residentially used or zoned property.

37. Public Cultural Facility

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density/Mixed Use Residential districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. When located adjacent to residentially used or zoned property, a Level One buffer shall be provided. See Chapter 9, Landscaping and Buffer Requirements.

38. Recreational Facility, Indoor

High Density Residential/Mixed Use, Office/Institutional and Office/Limited Commercial districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. Parking areas shall be located a minimum of 50 feet from any residentially used or zoned property.

39. Recreational Trail, Greenway or Blueway, Connector

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential, Office/Institutional, Office/Limited Commercial, General Commercial, Light Industrial, General Industrial districts

- a. Shall provide a link between public service facilities, civic buildings, schools, points of interest, neighborhoods and/or city, county and regional trail systems.
- b. See Appendix C for design standards related to trails. (greenway or blueway)
- c. Applicant shall provide information related to connections being made as part of the proposed project and shall demonstrate how connections will advance overall Cabarrus County trail and recreation systems.

40. Recyclable Materials Drop Off

Agricultural/Open, Office/Institutional, Office/Limited Commercial, General Commercial, Limited Industrial, General Industrial districts

- a. Must be designed such that adequate off loading and turn space exist to allow for safe ingress and egress from site.
- b. The drop-off area must meet the primary setbacks of the zone.

- c. When located adjacent to residentially zoned or used property, a Level Two buffer shall be maintained.

41. Religious Institution with Total Seating Capacity 350 or Less

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use and Office/Institutional districts

- a. The required setbacks of each zone shall be doubled in residential districts.
- b. The use must front on an arterial or collector road.

42. Repair Garage, Automobile

Agricultural/Open and Office/Limited Commercial districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.

NOTE: In the AO district, if the use occurs on a tract of land 5 acres or more and buildings and storage areas are screened by existing vegetation or site topography from adjacent properties and are not visible from any road right-of-ways, the buffer requirement may be waived.

43. Repair Shop, Farm Machinery

Agricultural/Open district

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.

NOTE: If the use occurs on a large tract of land 5 acres or more and buildings and storage areas are screened by existing vegetation or site topography from adjacent properties and are not visible from any road right-of-ways, the buffer requirement may be waived.

44. Repair Shop, Small Engine

Agricultural/Open and Office/Limited Commercial districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.

NOTE: In the AO district, if the use occurs on a tract of land 5 acres or more and buildings and storage areas are screened by existing vegetation or site topography from adjacent properties and are not visible from any road right-of-ways, the buffer requirement may be waived.

45. Rest Home, Convalescent Home with 10 Beds or Less

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use and Office/Institutional districts

- a. One rest or convalescent home may not locate within 500 feet of another rest-or convalescent home. Distance shall be measured from the property line of the existing home.
- b. Parking areas shall be located a minimum of 50 feet from the property line of any adjacent residentially zoned or used property.

46. Restaurant, Excluding Drive-Thru

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use districts

- a. Use must front on an arterial or collector road if located in a residential zone.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

In AO, CR and LDR, in the event the restaurant locates adjacent to any residentially zoned or used property, it must be physically sited at least 100 feet from the lot line of the residential property and parking areas must be located a minimum of 50 feet from the property line.

47. Restaurant with Drive-Thru Facility

Office/Limited Commercial, General Commercial, Limited Industrial and General Industrial districts

- a. All drive-thru entrances and exits must be at least 250 feet from an intersection.

- b. Adequate stacking shall be provided in drive-thru lanes so that traffic is contained on site and does not interfere with circulation internally or on any adjacent road or street right-of-way.
- c. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and,
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- d. In the event the restaurant locates adjacent to any residentially zoned or used property, it must be physically sited at least 100 feet from the lot line of the residential property and parking areas must be located a minimum of 50 feet from the property line.

48. Retail Sales, Neighborhood Market, 1,000 Square Feet or Less

Agricultural/Open district

- a. The store must be located within 500 feet of an intersection and front on an arterial or collector road.
- b. The store's lighting shall be shielded to prevent light and glare spillover on to adjacent residential properties.
- c. The maximum square footage for the building shall not exceed 1,000 square feet.
- d. All outside storage shall not be permitted with the exception of areas for dumpsters:
 - o Dumpsters shall be sited to the rear of the building and made unnoticeable from both adjacent properties and public rights-of-way through the installation of fencing and/or vegetative screening.
- e. In the event the neighborhood market locates adjacent to any residentially zoned or used property, all buildings must be sited at least 50 feet from the lot line of the residential property and parking areas must be located a minimum of 50 feet from the property line.

49. Salvage Yard

General Industrial district

- a. Materials may not be vertically stacked so as to be visible to the passing motorist.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- c. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 150 feet from the property line.

50. Sawmill

Agriculture/Open and Countryside Residential districts

- a. A minimum of 30 acres is required.
- b. Any and all mechanized sawing equipment must be located a minimum of 500 feet from tract boundary lines.

51. Scientific Research and Development, Accessory to Agriculture

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential and High Density Residential/Mixed Use districts

- a. Research must be related to agricultural activity occurring on site.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- c. When located adjacent to residentially zoned or used property, any outdoor research or experiment areas shall be located a minimum of 100 feet from the property line.
- d. The facility shall be designed such that it absorbs or dissipates noise to the greatest extent possible. Where facilities are adjacent to residentially zoned or used property; noise shall be reduced to the greatest extent possible at the property line.

52. Scientific Research and Development

Office/Institutional, Office/Limited Commercial, General Commercial and Light Industrial

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. When located adjacent to residentially zoned or used property, any outdoor research or experiment areas shall be located a minimum of 100 feet from the property line.
- c. The facility shall be designed such that it absorbs or dissipates noise to the greatest extent possible. Where facilities are adjacent to residentially zoned or used property; noise shall be reduced to the greatest extent possible at the property line.

53. Self-Service Storage Facilities

Office/Limited Commercial, General Commercial and Limited Industrial districts

- a. Interior travel lanes, which serve storage units, are required to have a parking lane with a minimum width of 10 feet for loading/unloading purposes.
- b. One parking space is required for every 100 storage units with a minimum of three spaces required for the facility office.

- c. One-way interior travel lanes must have a minimum width of 15 feet in addition to the 10 foot wide parking lane. All two-way interior travel lanes serving storage units must have two (2) 12-foot wide travel lanes and be provided with a 10 foot wide parking lane.
- d. The height of the storage buildings shall be governed by the maximum height permitted for the zoning district. See Chapter 5 for dimensional requirements.
- e. All outdoor lights must be shielded to direct light and glare only onto the facility's premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare must be deflected, shaded and focused away from any adjoining residential property.
- f. Minimum and maximum lot sizes.
 - Office/Limited Commercial:
 - o Minimum lot size - one acre
 - o Maximum lot size - three acres
 - General Commercial:
 - o Minimum lot size - one acre
 - o Maximum lot size -five acres
 - Limited Industrial:
 - o Minimum lot size - one acre
 - o Maximum lot size -ten acres
- g. All Self Service Storage Facilities are subject to the buffering and landscaping set forth in Chapter Nine of this Ordinance.
- h. A minimum six foot fence is required about the perimeter of the development. Portions of the fence, which face arterial or residential streets, must be solid or semisolid and pleasingly decorative.
- i. No outside storage is permitted in the Office/Limited Commercial district.
- j. In the Limited Industrial district, up to 20% of the site may be used for outdoor storage. All outdoor storage areas must be made unnoticeable through the installation of fencing or vegetative screening. When located adjacent to residentially zoned or used property or street right-of-ways, additional screening and/or landscape measures may be required.

54. Shooting Range, Indoor

Office/Limited Commercial, General Commercial and Light Industrial districts

- a. Facility design shall be such that it absorbs or dissipates noise from the firing of weapons and/or any mechanical equipment.
- b. The facility shall be located a minimum of 150 feet from the property line of any residentially used or residentially zoned property.
- c. All applicable local, state and federal permits must be obtained prior to zoning permitting.

55. Sports and Recreation Instruction or Camps

Office/Limited Commercial, General Commercial, Limited Industrial and General Industrial districts

- a. A complete description of the facility including but not limited to:
 - Hours & days of operation
 - Total number of employees, both full-time and part-time
 - Projected number of users per weekday and weekend days
 - Types of accessory uses, if any, envisioned on the site
 - Any and all other relevant information that will help describe the facility
- b. Practice areas, fields and parking areas must be a minimum of five hundred feet (500) from any adjacent residentially used or zoned property line.
- c. Where adjacent to residentially zoned or used property, a level two (2) buffer yard shall be installed.

56. Storage Building Sales, with Display Area

Office/Limited Commercial, General Commercial and Light Industrial districts

- a. Display Area shall not exceed 40,000 square feet.
- b. Buildings shall be arranged so that sight triangles are unobstructed.

57. Stables, Commercial

Countryside Residential and Low Density Residential districts

- a. The proposed site must be at least five (5) acres.
- b. The following setbacks are required in addition to those of the zoning district:
 - No activity area, including pastures or runs, shall be located closer than 20 feet to any property line.
 - Any building housing animals shall be located a minimum of 300 feet from any property line.
 - A vegetative strip at least 100 feet wide shall be maintained between any corrals, manure piles or manure application areas and any surface water or well in order to minimize runoff, prevent erosion and promote nitrogen absorption.
- c. All outside storage areas including dumpsters must be:
 - sited to the rear of the building,
 - within the setbacks required of the building's underlying zone, and
 - made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

58. Swim Club, Tennis Club, Country Club

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial and General Commercial districts

- a. In any residential district, the minimum area shall be one (1) acre.

- b. Clubhouses shall meet the primary setbacks for the zoning district.
- c. There shall be a 100 foot minimum setback between any accessory buildings, swimming pool, lighted tennis court, parking area or any amenity area and adjacent residentially zoned or used property.
- d. Lighting for amenity areas shall be designed such that it does not spill over onto adjacent properties.
- e. Outdoor swimming pools shall be protected by a fence, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. See Appendix G, North Carolina Building Code, Swimming Pools, Spas and Hot Tubs for requirements.

59. Towing Service, with Salvage

General Industrial district

- a. Materials may not be vertically stacked so as to be visible to a passing motorist.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- c. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.

60. Towing Service, with Towed Vehicle Storage Yard, No Salvage or Part Sales

Agricultural/Open and General Commercial districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. The vehicle storage area may not exceed 60,000 square feet.
- c. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.

NOTE: In the AO district, in the event that the parcel is 5 acres or more and the storage area is completely screened from adjacent properties or right-of-ways by existing vegetation or site topography, the landscape requirement may be waived.

61. Townhouses

Medium Density Residential, High Density Residential/Mixed Use and Office/Limited Commercial districts

Townhome projects shall follow the dimensional and density standards listed below:

Density (maximum units/acre)	3	Principal (minimum feet)	
Area (minimum acres)	5	Front yard	15
Open space (minimum)	50%	Front yard (corner)	15
Governmental water and sewer	required	Side yard (single)	10
Lot Dimensions (minimum)		Side yard (total)	20
Lot area (square feet)	2,500	Rear yard	15
Lot width (feet)	24	Accessory Structure (minimum feet)	
Height (maximum feet)	40	Front yard (corner)	same as principal
Principal	40	Side yard (single)	same as principal
Accessory	20	Side yard (total)	same as principal
Lot Coverage (maximum)		Rear yard	same as principal
Impermeable surface	45%		
Structural coverage	35%		

62. Trail Head, Accessory

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/ Limited Commercial, General Commercial, Light Industrial and General Industrial districts

- a. Shall be located as part of a public use facility, civic building, school, shopping plaza, mixed-use project, Business Park or other location where shared use of space is appropriate and where an access point is located.
- b. See Appendix C for Design Standards related to trail heads and trails. (greenway or blueway)

63. Trail Head, Primary Use Site

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential, Office/Institutional, Office/Limited Commercial, General Commercial, Light Industrial and General Industrial districts

- a. Shall be the primary use of a parcel where an access point to a trail is located.
- b. May include amenity areas such as play areas, picnic areas, restroom facilities, etc.
- c. See Appendix C for design standards related to trail heads and trails. (greenway or blueway)

64. Warehouse with Outside Storage

Limited Industrial and General Industrial districts

- a. Outside stacking of materials should not be visible to the passing motorist traveling any adjacent external road.
- b. Materials must be screened with Level Three buffering. See Chapter 9, Landscaping and Buffering Requirements

65. Wind Energy Facility, Accessory Use, On Site Use Only
Agriculture/Open, Countryside Residential, Low Density Residential and Medium Density Residential districts
- a. The site must be a minimum of 5 acres.
 - b. Turbines must be located 2 times the height of the tower structure from any property line or structure, including structures on adjacent properties.
 - c. The height of the structure may not exceed 65 feet.
 - d. Energy produced must be used on the same parcel.
 - e. A decommissioning plan shall be provided that describes the anticipated life of the Facility, estimated decommissioning costs and responsible party for decommissioning the Facility.
 - f. A maintenance plan shall be provided describing the maintenance schedule for the structure including the name, address and phone number of responsible party for maintenance.
66. Wireless Telecommunications Services, Co-location
Agriculture/Open Space, Countryside Residential, Low Density Residential, Medium Density Residential districts, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial, Light Industrial and General Industrial districts
- a. See Chapter 8, Section 8-4, 38
67. Temporary Uses

The Temporary Use Permit is a mechanism to allow a use on a short-term basis and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit is required pursuant to Chapter 12 of this Zoning Ordinance.

All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve an application for a Temporary Use Permit unless the following criteria, specific regulations and time limitations are met in addition to the standards for any particular Temporary Use specified below.

The allowance of Temporary Uses shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located. The use shall be compatible in intensity, character and appearance with existing land uses in the immediate vicinity of the temporary use. The neighborhood and street network surrounding the temporary use shall not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.

- a. The use shall not take place on publicly or privately owned property unless the applicant first obtains written approval from the owner. The original signed letter shall be provided as part of the Temporary Use Permit application and review process.
- b. The location of the Temporary Use shall be such that adverse impacts on surrounding properties will be minimal, particularly regarding any type of traffic generated impact upon traffic circulation in the area.
- c. Adequate off-street parking shall be provided to serve the temporary use. Temporary Uses shall not displace the required off-street parking spaces or loading areas of the principal permitted use(s) on the site. Sales and display areas shall be designed to prevent traffic hazards and nuisances to normal traffic patterns and internal circulation for the site.
- d. Structures and display areas shall comply with primary setback requirements for the zoning district. The items shall be displayed so as to not interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street. Display of items or conducting business in a public right-of-way, emergency access lane or fire lane is not permitted.
- e. Unless specifically stated, only one Temporary Use Permit shall be issued for a parcel at any given time.
- f. The period of time between Temporary Use Permits on a parcel shall be thirty (30) days (expiration date and new issue date). This restriction shall not apply to real estate development and construction related temporary uses.
- g. Recreational Vehicles shall not be used as a temporary use or as part of a temporary use.
- h. Overnight camping in RVs, tents or campers is not permitted as part of a temporary use.

TEMPORARY RETAIL SALES RELATED

Fireworks Stands

Fireworks Stands are permitted in LC and GC zoning districts only for up to 45 days per calendar year. A maximum of one (1) structure, not to exceed 120 square feet in area, shall be allowed. The structure must be portable and completely removed at the end of the permit period. Any sale of fireworks shall be regulated in accordance with NCGS 14-410 and 14-414 and NC Fire Code (2009 Edition) Section 3308.11.

Seasonal Sale of Agriculture Products (Includes Christmas Trees and Pumpkins)

Seasonal Sales permitted in OI, LC, GC and LI zoning districts only. Limited to a period of time not to exceed four (4) consecutive months per calendar year. A maximum of one (1) building or display booth shall be allowed and may cover a maximum of 400 square feet. Display area shall not interfere with emergency ingress/egress or with required parking. The structure must be portable and completely removed when the permit expires.

Itinerant Merchants

The sale of food, beverages, or merchandise from a stand, motor vehicle or from a person may be allowed in the LDR, MDR, HDR, LC and GC zoning districts at existing business sites. Temporary stand, vehicle, display area, etc. shall not interfere with emergency ingress/egress, sight triangles or required parking. The permit shall be limited to a period not to exceed ninety (90) continuous days per calendar year at a given location. The 90 days starts at date of issue and does not exclude days that the vendor is not on site.

Promotional Activities Involving the Display of Goods or Merchandise

Such activities may be conducted at a business for a period of not more than fifteen (15) consecutive days. Merchandise and display area shall not interfere with emergency ingress/egress, sight triangles or required parking. If a private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four (4) feet must remain unobstructed for pedestrian use. A Temporary Use Permit for promotional activities may be renewed four times during any calendar year, for a maximum of 60 days per calendar year. New Recreational Vehicles for sale as part of promotional displays are permitted.

REAL ESTATE, DEVELOPMENT AND CONSTRUCTION RELATED

Contractor Office, Construction Equipment Storage

Accessory to an active Construction Project, permitted in any zoning district. Placement of such temporary use is limited to a period of time determined by an estimated project completion date. The permit may be extended for up to one year if approved by the Administrator. A construction trailer or modular unit may be used as a contractor's office or for the storage of equipment or materials. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted per builder for office or for storage. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of the Certificate of Occupancy being issued for the project.

Real Estate Sales Office in a Construction Trailer or Temporary Modular Unit, Residential Projects

Temporary structures, construction trailers or temporary modular units may be used as real estate sales offices in any active residential construction project for the sale of units within that project only. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted as a sales office per builder. Each individual trailer or modular unit shall be located on an individual lot.

In no case shall multiple permits be issued for the same Parcel Identification Number (PIN). The permit shall be valid until the project is complete. All temporary structures shall be removed within 30 days of final sale.

Real Estate Office in Model Home

Accessory to construction of a new residential development. Model homes must be located on individual parcels. Limited to a period of time not to exceed one year with the option of an extension of up to one year if approved by the Administrator.

Real Estate Office in a Construction Trailer or Temporary Modular Unit, Commercial or Mixed Use Projects

Temporary structures, such as construction trailers or temporary modular units, may be used as real estate sales offices in any active commercial or mixed use construction project for the sale or leasing of units within that project only. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted as a sales or leasing office per builder. All temporary structures shall be removed within 30 days after final sale.

Temporary Dwelling for Large Construction Projects

During the active construction period (after a building permit has been issued) projects involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time, one (1) single section manufactured home may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary unit shall be removed from the site within 14 days of issuance of the Certificate of Occupancy for a non-residential structure or the occupancy of the first residential unit if within a residential development.

Temporary Residence in Manufactured Home During Construction of New Home on Same Site

In the event that a new single-family home is being constructed on a parcel where a manufactured home currently exists in the AO, CR, LDR, MDR and HDR zoning districts, the manufactured home may remain for the duration of the building process for the new home. The manufactured home shall be removed within 30 days of the date of the last final inspection, as required by North Carolina Building Codes. In no case shall the new home and manufactured home be occupied at the same time.

OTHER TEMPORARY USES

Auction, Estate or Asset Liquidation

Estate or asset liquidation auctions are permitted in any zoning district for a period not to exceed three (3) days. Patron parking shall be located so as to not interfere with neighborhood traffic and so that emergency access is maintained for the street right-of-way and to the auction site.

Auction, Livestock

Livestock auctions are permitted in the AO, CR, MDR or LDR zoning districts at existing agriculture sites for a period not to exceed three (3) days. Patron parking shall be located so as to not interfere with traffic and so that emergency access is maintained for the street right-of-way and to the auction site. If used, temporary holding pens shall be located a minimum of one hundred and fifty (150) feet from any adjacent residentially used or zoned property.

Event with Tent or Other Temporary Structure

Events in a tent or other temporary structure may be allowed in any non-residential zoning district for a period not to exceed sixty (60) days. The tent or temporary structure shall be removed within 48 hours of the end of the event. Note: Depending on the expected number of patrons, additional information may be required related to traffic and public safety prior to this type of permit being issued and it may be considered an event which includes public assembly and require permitting as such.

FEMA Trailers, Natural Disaster or Significant Weather Event

FEMA Trailers may be used as temporary housing in any residential zoning district following a natural disaster or significant weather event. Should a non-conforming residential use exist at the time of a natural disaster or significant weather event in a district other than residential, a FEMA trailer may be used as temporary housing in that zoning district. FEMA Trailers shall be removed within 90 days of completion of new construction.

Mobile Personal Storage Unit, Vacate or Occupy Premise

One personal mobile storage unit permitted per parcel in any zoning district. The unit may be stored on site for up to 30 days to allow the current owner or tenant to vacate the premises or to allow a new owner or tenant to occupy the premises. In no case shall this type of unit be permitted or used for permanent storage on a site.

Mobile Personal Storage Unit, Renovation

One personal mobile storage unit permitted per parcel in any zoning district. The unit may be stored on site for up to 90 days to allow for temporary storage during renovation or remodeling projects. In no case shall this type of unit be permitted or used for permanent storage on a site.

Dumpsters, Commercial Waste Containers

One commercial waste container or dumpster permitted per parcel in any zoning district. The unit may remain on site for a maximum of 90 days to allow for remodeling, construction or debris removal projects. At no time shall debris be permitted to accumulate beyond the container rim. In no case shall this type of unit be permitted or used for permanent waste disposal on a site.

TEMPORARY SIGNS

See Chapter 11, Signage.

Events Which Include Public Assembly

For events that include public assembly, applicants shall be required to submit a summary of the event and include the following preliminary information:

- Property address
- Type of use proposed
- Site diagram showing parcel boundary and setbacks
- Parking/circulation preliminary plan
- Duration of event (including set up and take down)
- Whether there will be tents/temporary structures/stages constructed
- Whether or not food vendors will be on site
- Whether or not alcohol will be allowed on site
 - Note: Alcohol sales are not permitted
- Expected attendance numbers for event per day

Once the summary has been submitted, staff will review the information and a pre-planning meeting with the appropriate agencies will be scheduled. Example agencies include, but are not limited to, the Cabarrus County Fire Marshal's Office, Volunteer Fire Departments, Emergency Management, Emergency Medical Services, the Cabarrus County Sheriff's Office, Zoning, Construction Standards, Cabarrus Health Alliance and the North Carolina Department of Transportation.

If the applicant proceeds with the proposed event following the pre-planning meeting, a full application shall be submitted to zoning for routing to the various agencies. The application shall include the following information:

- Type of use/activities proposed on site
- Staffing for event
- Parking/circulation and traffic control plan (including proposed signage)
- Site diagram showing parcel boundary and setbacks
- Duration of event (including set up and take down) and hours of operation
- Types and numbers and tents and/or temporary structures
- Expected attendance numbers for event per day
- Types of vendors that will be on site
- Security plan (if required, determined at pre-planning meeting)
- Weather plan (if required, determined at pre-planning meeting)
- Emergency medical plan (if required, determined at pre-planning meeting)
- Communication plan (if required, determined at pre-planning meeting)
- Any other applicable requirements from the North Carolina State Fire Prevention Code
- Copy of letter to adjacent property owners (if in residential district)
- Copy of list of adjacent property owners (if in residential district)
- Copy of letter(s) from property owner(s) for use of a private street or driveway (if applicable)

The following additional standards shall apply for all special events that include public assembly:

- a. More than one temporary use permit may be issued per parcel for these events. It is the responsibility of the property owner to ensure that the proper permits have been procured by vendors, merchants, promoters, etc.
- b. For events proposed in residential zoning districts, the applicant shall notify each adjacent property owner of the proposed event by US mail. Said notification shall include a description of the event, including any expected changes in traffic patterns (if applicable) and contact information for the applicant, or an appropriate designee. A copy of the letter and a list of property owner mailing addresses shall be provided as part of the application.
- c. Prior to zoning permitting, applicant must provide a copy of approved sound amplification permit from the Cabarrus County Sheriff's office if such permit is required.
- d. Customary signage for the event and for participating vendors shall be permitted on-site as part of the Temporary Use Permit. A separate temporary use permit for signage shall not be required.
- e. The parcel must have frontage on, or have direct access to, a NCDOT maintained road or a privately maintained street. Proposed access points on NCDOT roads must be approved by NCDOT. In the event that a privately maintained street is used to gain entry to the site, the applicant shall provide notarized documentation from the private street owner(s) that access to the site for the proposed event is permitted.

Amusement Events

Carnivals, circuses, fairs, and amusement rides may be allowed in any non-residential zoning district for a period not to exceed fifteen (15) days, up to 4 times per calendar year on the same parcel. This classification excludes events conducted in a permanent entertainment facility.

Foot Race, Trail Race

Foot and Trail races, may be allowed in any non-residential zoning district for a period not to exceed seven (7) days, up to four (4) times per calendar year on the same parcel. These types of events are also allowed in the AO or CR zoning districts on farm properties. These events may occur up to two (2) times per calendar year on the same parcel and shall not exceed five (5) days.

Festivals, Music

Music Festivals may be allowed in any non-residential zoning district, for a period not to exceed ten (10) days, up to four (4) times per calendar year on the same parcel. These

types of events are also allowed in the AO or CR zoning districts on farm properties. These events may occur up to two (2) times per calendar year on the same parcel and shall not exceed five (5) days.

Festival, Craft or Art

Craft or Art Festivals may be allowed in any non-residential zoning district, for a period not to exceed ten (10) days, up to four (4) times per calendar year on the same parcel. These types of events are also allowed in the AO or CR zoning districts on farm properties. These events may occur up to two (2) times per calendar year on the same parcel and shall not exceed five (5) days.

Special Events and Activities on Public Property

Special events and activities conducted on public property, such as school sites and public parks, shall be exempt from the provisions of this Section of the Ordinance but must comply with any guidelines, regulations and permitting processes required by the Authorizing Agency.

Similar and Compatible Uses Not Specified

If a particular temporary use is not listed in the Ordinance, the Administrator shall have the authority to grant a temporary use permit for a "similar and compatible use". Similar and compatible uses not specified are those uses which are similar and compatible to those allowed as temporary uses in this section. Determination of what constitutes similar and compatible shall be made by the Administrator. The applicant shall provide the following preliminary information for consideration (as applicable): type of use, number of employees, staffing for event, parking/circulation, hours of operation, general site description (include diagram), and duration of operation. Once this information is submitted, depending on the nature of the proposed use and whether or not it includes public assembly, additional information may be required. Please see the beginning of this section for the type of additional information that may be required.

If the Administrator determines that the use is not similar and compatible, the applicant may appeal the decision to the Planning and Zoning Board of Adjustment in accordance with Chapter 12.